

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Brownley

February 3, 2011

An act to amend Sections ~~60204 and 60601~~ 60200, 60203, 60204, 60601, 60603, 60604, 60604.5, 60605.6, 60640, 60642.5, and 60643 of, to add Sections ~~60200.8~~, 60207, 60208, and 60640.1 to, and to repeal Section ~~60200.1~~ Sections 60200.1 and 60643.1 of, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, Brownley. Instructional ~~materials~~: *materials: pupil assessment*.

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards and authorizes the *state* board to establish criteria for that purpose. Existing law sets forth a schedule for the submission of instructional materials to the state board for adoption. Notwithstanding this schedule, existing law prohibits the state board from adopting instructional materials or following the procedures related to that adoption until the 2013–14 school year.

This bill would delete the schedule for submission of instructional materials for foreign languages and health and the exception to the requirement that criteria for the evaluation of instruction be approved when curriculum frameworks are approved or at least 30 months before the date that the materials are to be approved for adoption. ~~The bill would require that materials for mathematics be submitted for adoption in 2014, and for English language arts in 2016.~~

(2) Existing law establishes the Academic Content Standards Commission and requires the commission to develop internationally benchmarked academic content standards, at least 85% of which are required to be the common core academic standards developed by the Common Core State Standards Initiative—~~Consortium~~ *consortium* or another specified interstate collaboration. Existing law requires the state board by August 2, 2010, to either adopt the standards proposed by the commission or reject them.

This bill would require the state board to adopt revised curriculum frameworks and evaluation criteria that are aligned to the common core academic content standards developed by the consortium and adopted by the board for mathematics and *English* language arts no later than ~~December 31, 2012~~ *May 30, 2013*, and ~~March 1, 2013~~ *May 30, 2014*, respectively. The bill would require state board policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include the English language development standards as adopted by the state board in 1997 and revised thereafter, and English language development strategies in the four core subjects of mathematics, science, history-social science, and English language arts. The bill also would require state board policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include strategies to address the needs of pupils with disabilities in the four core subjects of mathematics, science, history-social science, and English language arts. *The bill would require the curriculum frameworks to describe the manner in which content can be delivered to intentionally build pupil creativity, innovation, critical thinking, problem solving, collaboration, and communication into and across each content area.*

(3) Existing law requires the Curriculum Development and Supplemental Materials Commission to recommend curriculum frameworks for adoption by the state board, develop criteria for evaluating instructional materials, study and evaluate instructional materials submitted for adoption, recommend to the state board instructional materials that it approves for adoption, and review specified educational films or video recordings.

This bill would delete the requirement that the commission study and evaluate instructional materials, recommend instructional materials, and review specified educational films or video recordings. The bill would require the criteria developed for evaluating instructional

materials to include directions to publishers to align the materials with English language development standards and incorporate strategies to address the needs of English learners and pupils with disabilities.

The bill would state the intent of the Legislature to provide to local educational agencies a process by which they may identify, evaluate, and recommend instructional materials for adoption to the state board, ensure that school districts are provided with as many standards-aligned instructional material options as possible, and ~~offer opportunities for professional development training to teachers to support the transition to and implementation of the common core academic content standards adopted by the state board~~ *direct the Superintendent of Public Instruction, in consultation with teachers and county offices of education, to develop professional development modules and to develop criteria to guide the development of those modules.*

The bill would authorize the Superintendent and school districts to recommend to the state board instructional materials for its adoption and would require the state board to adopt procedures for the review of those instructional materials by the Superintendent and school districts.

(4) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.

This bill would eliminate grade 2 testing under the STAR program. The bill would modify the schedule of subject areas and grades to be assessed under the STAR program and would include end of course assessments in specified subjects in the STAR program.

Existing

(5) *Existing* law authorizes a school district, at its option, to administer to pupils with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, a second STAR achievement test in their primary language. Existing law requires the department to use funds made available pursuant to Title VI of the federal No Child Left Behind Act of 2001 ~~(20 U.S.C. Sec. 6301 et seq.)~~ and appropriated by the annual Budget Act for the purpose of developing and adopting

primary language assessments that are aligned to the state academic content standards.

This bill would authorize the ~~department~~ *State Department of Education*, subject to approval by the state board, to make these primary language assessments available to school districts to assess their nonlimited-English-proficient pupils who are enrolled in a dual language immersion program and their redesignated fluent-English-proficient pupils. The bill would require a school district that chooses to administer a primary language assessment pursuant to this authority to do so at its own expense.

The bill would define, for purposes of the Greene Act, formative assessment, high-quality assessment, and interim assessment.

(6) Existing law requires the STAR test publisher to make available a reading list on the Internet that would assist pupils in achieving a higher level of reading proficiency on the English language arts portion of the achievement tests.

This bill would repeal this requirement.

~~(5)~~

(7) Existing law makes the Greene Act inoperative on July 1, 2013, and repeals it on January 1, 2014.

This bill would ~~make~~ require the Superintendent to develop recommendations, to be reported to the fiscal and appropriate policy committees of both houses of the Legislature on or before November 1, 2012, for the reauthorization of the statewide pupil assessment program and would require the recommendations to include a plan for transitioning to a system of high-quality assessments. The bill would require the recommendations to consider including specified characteristics in the reauthorized assessment system.

The bill would make the ~~act~~ Greene Act inoperative on July 1, 2014, and would repeal the act as of January 1, 2015. By extending the time period during which school districts are required to perform various duties relating to the administration of achievement tests, the bill would impose a state-mandated local program.

~~(6)~~

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Curriculum Support and Reform Act of 2011.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) California's pupils need and deserve access to instructional
6 programs that reflect the knowledge and skills that will prepare
7 them to be successful in college, careers, citizenship, and the global
8 economy.

9 (2) To ensure that all pupils are provided with resources and
10 learning expectations necessary to succeed and be competitive in
11 the 21st century, it is imperative that the state's curriculum and
12 assessment system be based on high-quality, research- and
13 evidence-based academic content standards and promote creativity,
14 innovation, critical thinking, problem solving, collaboration, and
15 communication skills in all content areas.

16 (3) *To ensure that all California pupils are provided the*
17 *curriculum content necessary to be competitive in the 21st century,*
18 *it is essential that these pupils be taught by highly qualified and*
19 *effective teachers who are trained in strategies that promote*
20 *creativity, exploration, innovation, critical thinking, problem*
21 *solving, collaboration, and communication skills as well as the*
22 *academic content standards.*

23 (4) *To ensure that California schools will prepare pupils to be*
24 *competitive in the 21st century, it is necessary that school and*
25 *school district administrators be trained not only in the academic*
26 *content standards and the state's high-quality assessment system,*
27 *but also in instructional leadership and management strategies*
28 *that include, but are not limited to, pedagogies of learning,*
29 *motivation of pupil learning, collaboration, respect for diversity,*
30 *parental involvement, staff relations and morale, and general*
31 *training in day-to-day school operations.*

32 (3)

(5) The state's current testing system includes grade level and course specific tests, alternative and modified assessments for pupils with special needs, primary language content tests in Spanish, an English language development test, a high school exit examination, and physical fitness tests.

~~(4)~~

(6) Extending much of the state assessment system by an additional year will allow the Legislature to examine current federal initiatives and the call for the development of common ~~assessment~~ *assessments*, and to position the state's assessments in a manner that will allow the state to adapt to changes in federal law, including the reauthorization of the federal Elementary and Secondary Education Act, before considering proposals for the reauthorization of the state assessment system.

~~(5)~~

(7) The recent adoption of California's new common core *academic* content standards will only have an impact on the academic achievement of the state's pupils if the state works to support teachers and improve instruction by developing and adopting curriculum frameworks, instructional materials, professional development, and assessments that are aligned to the standards and appropriate for all pupils.

(b) It is the intent of the Legislature, in enacting this act, to do all of the following:

(1) Develop a curriculum, instruction, and assessment system to implement the common core state standards that intentionally does both of the following:

(A) Focuses on integrating 21st century skills, including critical thinking, problem solving, communication, collaboration, creativity, and innovation, as a competency-based approach to learning in all academic core content areas, including English language arts, mathematics, history-social science, science, visual and performing arts, and world languages.

(B) Promotes higher order thinking skills and interdisciplinary approaches that integrate the use of supportive technologies, inquiry, and problem-based learning to provide contexts for pupils to apply learning in relevant, real-world scenarios and that prepare pupils for college, career, and citizenship in the 21st century.

~~(1)~~

(2) Start a process for the development and adoption of curriculum frameworks and instructional materials that are aligned to the state's common core academic content standards.

(3) *Create and sustain professional development training opportunities that support teachers and administrators in delivering to all pupils curriculum and instruction that are aligned to the state's common core academic content standards.*

~~(2)~~

(4) Extend the operative date of the state's assessment system by one year and position the state's assessments in a manner that will give the state flexibility to adapt to changes in federal law and transition to high-quality assessments that are aligned to the common core *academic content* standards.

~~(3) Create professional development training opportunities that support teachers in delivering to all pupils curriculum and instruction that are aligned to the state's common core academic standards.~~

SEC. 3. Section 60200 of the Education Code is amended to read:

60200. The state board shall adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to the following provisions:

(a) The state board shall adopt at least five basic instructional materials for all applicable grade levels in each of the following *categories subject areas*:

(1) Language arts, including, but not limited to, spelling and reading. However, the state board may not adopt basic instructional materials in this category or the category specified by paragraph (2) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(2) Mathematics. ~~However, the~~ *The* state board may not adopt basic instructional materials in this category or the category specified by paragraph (1) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(3) Science.

(4) Social science.

(5) Bilingual or bicultural subjects.

(6) Any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

(b) The state board shall adopt procedures for the submission of basic instructional materials *and for review of submitted instructional materials by the Superintendent and school districts* in order to comply with each of the following:

(1) Instructional materials may be submitted ~~for adoption review by the Superintendent and school districts~~ in any of the subject areas pursuant to paragraphs (1) to (5), inclusive, of subdivision (a) ~~not less than~~ two times every six years and in any of the subject areas pursuant to paragraph (6) of subdivision (a) ~~not less than two times~~ every eight years. The state board shall ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the six- and eight-year submission cycles and that the criteria for evaluating instructional materials developed pursuant to subdivision (b) of Section 60204 are consistent with subdivision (c). The state board may prescribe reasonable conditions to restrict the resubmission of materials that have been previously rejected if those resubmitted materials have no substantive changes.

(2) ~~Submitted instructional~~ *Instructional materials recommended by the Superintendent or a school district for adoption by the state board* shall be adopted or rejected within six months of the ~~submission date of the materials pursuant to paragraph (1) are recommended by the Superintendent or a school district,~~ unless the state board determines that a longer period of time, not to exceed an additional three months, is necessary due to the estimated volume or complexity of the materials for that subject in that year, or due to other circumstances beyond the reasonable control of the state board.

(c) (1) *The Superintendent and school districts may recommend to the state board instructional materials for its adoption and use in kindergarten and grades 1 to 8, inclusive.*

(2) *The Superintendent or a school district may recommend only instructional materials that meet the criteria specified in paragraphs (1) to (5), inclusive, of subdivision (d) and any other criteria that the state board may establish as necessary to accomplish the intent of Section 7.5 of Article IX of the California Constitution.*

1 (3) *When the Superintendent and school districts recommend*
2 *instructional materials to the state board, they shall include reports*
3 *of findings that include information regarding alignment of*
4 *standards, program organization, pupil assessments, teacher*
5 *support, and support for English language learners and pupils*
6 *with disabilities.*

7 (4) *The governing board of a school district choosing to*
8 *recommend instructional materials to the state board shall ensure*
9 *that a majority of a review committee convened by the school*
10 *district for the purpose of selecting the instructional materials is*
11 *comprised of classroom teachers who are assigned to teach the*
12 *grade in which the instructional materials are to be used.*

13 (e)

14 (d) In reviewing and adopting or recommending for adoption
15 submitted basic instructional materials, the state board shall use
16 the following criteria, and ensure that, in its judgment, the
17 submitted basic instructional materials meet all of the following
18 criteria:

19 (1) Are consistent with the criteria and the standards of quality
20 prescribed in the state board's adopted curriculum framework. In
21 making this determination, the state board shall consider both the
22 framework and the submitted instructional materials as a whole.

23 (2) Comply with the requirements of Sections 60040, 60041,
24 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state
25 board's guidelines for social content.

26 (3) Are factually accurate and incorporate principles of
27 instruction reflective of current and confirmed research.

28 (4) ~~Adequately cover the~~ *Are aligned to the content standards*
29 *adopted by the state board in the subject area for and the grade*
30 *level or levels for which they are submitted.*

31 (5) Do not contain materials, including illustrations, that provide
32 unnecessary exposure to a commercial brand name, product, or
33 corporate or company logo. Materials, including illustrations, that
34 contain a commercial brand name, product, or corporate or
35 company logo may not be used unless the *state* board determines
36 that the use of the commercial brand name, product, or corporate
37 or company logo is appropriate based on one of the following
38 specific findings:

39 (A) If text, the use of the commercial brand name, product, or
40 corporate or company logo in the instructional materials is

1 necessary for an educational purpose, as defined in the guidelines
2 or frameworks adopted by the state board.

3 (B) If an illustration, the appearance of a commercial brand
4 name, product, or corporate or company logo in an illustration in
5 instructional materials is incidental to the general nature of the
6 illustration.

7 (6) Meet other criteria as are established by the state board as
8 being necessary to accomplish the intent of Section 7.5 of Article
9 IX of the California Constitution and of Section 1 of Chapter 1181
10 of the Statutes of 1989, provided that the criteria are approved by
11 resolution at the time the resolution adopting the framework for
12 the current adoption is approved, or at least 30 months ~~prior to~~
13 *before* the date that the materials are to be approved for adoption.

14 ~~(d)~~

15 (e) If basic instructional materials are rejected, the state board
16 shall provide a specific, written explanation of the reasons why
17 the submitted materials were not adopted, based upon one or more
18 of the criteria established under subdivision ~~(e)~~ (d). In providing
19 this explanation, the state board may use, in whole or in part,
20 materials written by the ~~commission~~ *Superintendent, school*
21 *districts*, or any other advisers to the state board.

22 ~~(e)~~

23 (f) The state board may adopt fewer than five basic instructional
24 materials in each subject area for each grade level if either of the
25 following occurs:

26 (1) Fewer than five basic instructional materials are submitted.

27 (2) The state board specifically finds that fewer than five basic
28 instructional materials meet the criteria prescribed by paragraphs
29 (1) to (5), inclusive, of subdivision ~~(e)~~(d), or the materials fail to
30 meet the state board's adopted curriculum framework. If the state
31 board adopts fewer than five basic instructional materials in any
32 subject for any grade level, the state board shall conduct a review
33 of the degree to which the criteria and procedures used to evaluate
34 the submitted materials for that adoption were consistent with the
35 state board's adopted curriculum framework.

36 ~~(f)~~

37 (g) This section does not limit the authority of the state board
38 to adopt materials that are not basic instructional materials.

39 ~~(g)~~

1 ~~(h) If a district board~~ *the governing board of a school district*
2 establishes to the satisfaction of the state board that the
3 state-adopted instructional materials do not promote the maximum
4 efficiency of pupil learning in the *school* district, the state board
5 shall authorize that ~~district~~ *governing board of the school district*
6 to use its instructional materials allowances to purchase materials
7 as specified by the state board, in accordance with standards and
8 procedures established by the state board.

9 ~~(h)~~

10 *(i)* Consistent with the quality criteria for the state board's
11 adopted curriculum framework, the state board shall prescribe
12 procedures to provide the most open and flexible materials
13 submission system and ensure that the adopted materials in each
14 subject, taken as a whole, provide for the educational needs of the
15 diverse pupil populations in the public schools, provide collections
16 of instructional materials that illustrate diverse points of view,
17 represent cultural pluralism, and provide a broad spectrum of
18 knowledge, information, and technology-based materials to meet
19 the goals of the program and the needs of pupils.

20 ~~(i)~~

21 *(j)* Upon making an adoption, the state board shall make
22 available to listed publishers and manufacturers and all school
23 interests a listing of instructional materials, including the most
24 current unit cost of those materials as computed pursuant to existing
25 law. Items placed upon lists shall remain thereon, and be available
26 for procurement through the state's systems of financing, from the
27 date of the adoption of the item and until a date established by the
28 state board. The date established by the *state* board for continuing
29 items on that list shall be the date on which the state board adopts
30 instructional materials based upon a new or revised curriculum
31 framework. Lists of adopted materials shall be made available by
32 subject and grade level *to school districts and posted on the*
33 *department's Internet Web site and shall include information from*
34 *the reports of findings pursuant to paragraph (3) of subdivision*
35 *(c).* The lists shall terminate and shall no longer be effective on
36 the date prescribed by the state board pursuant to this subdivision.

37 ~~(j)~~

38 *(k)* The state board may approve multiple lists of instructional
39 materials, without designating a grade or subject, and the state
40 board may designate more than one grade or subject whenever it

determines that a single subject designation or a single grade designation would not promote the maximum efficiency of pupil learning. Any materials so designated may be placed on single grade or single subject lists, or multigrade or interdisciplinary lists, or may be placed on separate lists including other materials with similar grade or subject designations.

~~(k)~~

(l) A composite listing in the format of an order form may be used to meet the requirements of this section.

~~(l)~~

(m) The lists maintained pursuant to this section shall not be deemed to control the use period by any school district.

~~(m)~~

(n) The state board shall give publishers the opportunity to modify instructional materials, in a manner provided for in regulations adopted by the state board, if the state board finds that the instructional materials do not comply with paragraph (5) of subdivision ~~(e)~~ (d).

~~(n)~~

(o) This section does not prohibit the publisher of instructional materials from including whatever corporate name or logo on the instructional materials that is necessary to provide basic information about the publisher, to protect its copyright, or to identify third-party sources of content.

~~(o)~~

(p) The state board may adopt regulations that provide for other exceptions to this section, as determined by the board.

~~(p)~~

(q) The Superintendent shall develop, and the state board shall adopt, guidelines to implement this section.

~~SEC. 3.~~

~~SEC. 4.~~ Section 60200.1 of the Education Code is repealed.

~~SEC. 4.~~ Section 60200.8 is added to the Education Code, to read:

~~60200.8. Notwithstanding Section 60200.7, instructional materials aligned to the content standards adopted pursuant to Section 60605.8 shall be submitted for adoption as follows:~~

~~(a) Mathematics in 2014.~~

~~(b) English language arts in 2016.~~

1 *SEC. 5. Section 60203 of the Education Code is amended to*
2 *read:*

3 60203. The state board shall ~~give the commission~~ *hold* a public
4 hearing before ~~making any adoption of~~ *adopting* instructional
5 materials for use in the elementary schools of the state.

6 ~~SEC. 5.~~

7 *SEC. 6. Section 60204 of the Education Code is amended to*
8 *read:*

9 60204. The commission shall do all of the following:

10 (a) Recommend curriculum frameworks to the state board.

11 (b) Develop criteria for evaluating instructional materials
12 submitted for adoption so that the materials adopted shall
13 adequately cover the subjects in the indicated grade or grades and
14 comply with the provisions of Article 3 (commencing with Section
15 60040) of Chapter 1. The criteria developed by the commission
16 shall be consistent with the duties of the state board pursuant to
17 Section 60200. The criteria shall be public information and shall
18 be provided in written or printed form to any person requesting
19 that information.

20 (1) The criteria shall include directions to publishers to align
21 both lessons and teacher's editions, as appropriate, with English
22 language development standards and incorporate strategies to
23 address, at every grade level and subject, the needs of English
24 learners, including, but not limited to, speakers of Spanish,
25 Vietnamese, Filipino, Cantonese, Hmong, and Korean.

26 (2) The criteria also shall include directions to publishers to
27 incorporate instructional strategies to address the needs of pupils
28 with disabilities in both lessons and teacher's editions, as
29 appropriate, at every grade level and subject.

30 (c) Recommend to the state board policies and activities to assist
31 the department and school districts in the use of the curriculum
32 framework and other available model curriculum materials for the
33 purpose of guiding and strengthening the quality of instruction in
34 the public schools.

35 ~~SEC. 6.~~

36 *SEC. 7. Section 60207 is added to the Education Code, to read:*

37 60207. (a) Notwithstanding Section 60200.7, the state board
38 shall adopt revised curriculum frameworks and evaluation criteria
39 that are aligned to the content standards adopted pursuant to Section
40 60605.8 for mathematics and English language arts no later than

1 ~~December 31, 2012, and March 1, 2013, respectively. May 30,~~
2 ~~2013, and May 30, 2014, respectively.~~

3 (b) State board policies shall ensure that curriculum frameworks
4 for kindergarten and grades 1 to 12, inclusive, and instructional
5 materials for kindergarten and grades 1 to 8, inclusive, include the
6 English language development standards as adopted by the state
7 board in 1997 and revised thereafter, and English language
8 development strategies in the four core subjects of mathematics,
9 science, history-social science, and English language arts.

10 (c) State board policies shall ensure that curriculum frameworks
11 for kindergarten and grades 1 to 12, inclusive, and instructional
12 materials for kindergarten and grades 1 to 8, inclusive, include
13 strategies to address the needs of pupils with disabilities in the
14 four core subjects of mathematics, science, history-social science,
15 and English language arts.

16 (d) *Each curriculum framework that the state board adopts*
17 *shall describe, to the extent the state board deems appropriate,*
18 *the manner in which content can be delivered to intentionally build*
19 *all of the following skills into and across each content area:*

20 (1) *Creativity and innovation, including, but not limited to,*
21 *thinking creatively, working creatively with others, and*
22 *implementing innovations.*

23 (2) *Critical thinking and problem solving, including, but not*
24 *limited to, reasoning effectively, using systems thinking, making*
25 *judgments and decisions, and solving problems.*

26 (3) *Collaboration, including, but not limited to, working*
27 *effectively in diverse teams, adapting to change and being flexible,*
28 *demonstrating initiative and self-direction, working independently,*
29 *demonstrating productivity and accountability, and demonstrating*
30 *leadership and responsibility.*

31 (4) *Communication, including, but not limited to, communicating*
32 *clearly and effectively through reading, writing, and speaking.*

33 (5) *Construction and exploration of new understandings of*
34 *knowledge through the integration of content from one subject*
35 *area to another and to provide pupils with multiple modes for*
36 *demonstrating innovative learning.*

37 ~~SEC. 7.~~

38 SEC. 8. Section 60208 is added to the Education Code, to read:

39 60208. It is the intent of the Legislature to do all of the
40 following:

1 (a) Provide to local educational agencies a process that is
2 consistent with the implementation of standards-based curricula
3 and the principle of local control and by which they may identify,
4 evaluate, and recommend instructional materials for adoption to
5 the state board.

6 (b) ~~Ensure~~ *Consistent with Section 60200.7, ensure* that school
7 districts are provided with as many *high-quality* standards-aligned
8 instructional material options as possible, so that educators may
9 have many rigorous options in choosing the best materials that
10 meet the needs of all pupils, including English learners and pupils
11 with disabilities, and that ensure that their pupils are able to master
12 the academic content standards adopted by the state board pursuant
13 to Section 60605.8.

14 ~~(c) Offer opportunities for professional development training~~
15 ~~to teachers to support the transition to and implementation of the~~
16 ~~state's common core academic content standards adopted by the~~
17 ~~state board pursuant to Section 60605.8.~~

18 (c) *Direct the Superintendent, in consultation with teachers and*
19 *county offices of education, to do all of the following:*

20 (1) *Develop professional development modules for teachers,*
21 *principals, and other school leaders.*

22 (2) *Develop criteria to guide the development of the professional*
23 *development modules.*

24 (3) *Develop professional development modules to deepen the*
25 *understanding of all of the following:*

26 (A) *The common core standards.*

27 (B) *Curriculum frameworks.*

28 (C) *English language development standards.*

29 (D) *Instructional strategies to support the learning of all pupils,*
30 *including English learners, pupils with disabilities, and*
31 *underperforming pupils.*

32 (E) *The use of assessments and data to support teaching and*
33 *learning.*

34 (F) *The use of instructional technology.*

35 (G) *The integration of subject content knowledge.*

36 (H) *Instructional leadership and coaching.*

37 (4) *Ensure that professional development opportunities are*
38 *available to teachers, principals, and school leaders.*

1 (5) *Provide professional development modules through multiple*
2 *delivery methods, including, but not limited to, school-based and*
3 *web-based delivery.*

4 ~~SEC. 8.~~

5 SEC. 9. Section 60601 of the Education Code is amended to
6 read:

7 60601. This chapter shall become inoperative on July 1, 2014,
8 and as of January 1, 2015, is repealed, unless a later enacted statute
9 that is enacted before January 1, 2015, deletes or extends the dates
10 on which it becomes inoperative and is repealed.

11 SEC. 10. *Section 60603 of the Education Code is amended to*
12 *read:*

13 60603. As used in this chapter:

14 (a) “Achievement test” means any standardized test that
15 measures the level of performance that a pupil has achieved in the
16 core curriculum areas.

17 (b) “Assessment of applied academic skills” means a form of
18 assessment that requires pupils to demonstrate their knowledge
19 of, and ability to apply, academic knowledge and skills in order
20 to solve problems and communicate. It may include, but is not
21 limited to, writing an essay response to a question, conducting an
22 experiment, or constructing a diagram or model. An assessment
23 of applied academic skills may not include assessments of personal
24 behavioral standards or skills, including, but not limited to, honesty,
25 sociability, ethics, or self-esteem.

26 (c) “Basic academic skills” means those skills in the subject
27 areas of reading, spelling, written expression, and mathematics
28 that provide the necessary foundation for mastery of more complex
29 intellectual abilities, including the synthesis and application of
30 knowledge.

31 (d) “Content standards” means the specific academic knowledge,
32 skills, and abilities that all public schools in this state are expected
33 to teach and all pupils expected to learn in each of the core
34 curriculum areas, at each grade level tested.

35 (e) “Core curriculum areas” means the areas of reading, writing,
36 mathematics, history-social science, and science.

37 (f) “Diagnostic assessment” means interim assessments of the
38 current level of achievement of a pupil that serves both of the
39 following purposes:

1 (1) The identification of particular academic standards or skills
2 a pupil has or has not yet achieved.

3 (2) The identification of possible reasons that a pupil has not
4 yet achieved particular academic standards or skills.

5 (g) “Direct writing assessment” means an assessment of applied
6 academic skills that requires pupils to use written expression to
7 demonstrate writing skills, including writing mechanics, grammar,
8 punctuation, and spelling.

9 (h) “End of course exam” means a comprehensive and
10 challenging assessment of pupil achievement in a particular subject
11 area or discipline.

12 (i) “Formative assessment” means assessment tools and
13 processes that are embedded in instruction and are used by
14 teachers and pupils to provide timely feedback for purposes of
15 adjusting instruction to improve learning.

16 (j) “High-quality assessment” means an assessment designed
17 to measure a pupil’s knowledge of, understanding of, and ability
18 to apply critical concepts through the use of a variety of item types
19 and formats, including, but not limited to, items that allow for
20 open-ended responses and items that require the completion of
21 performance-based tasks. A high-quality assessment should have
22 the following characteristics:

23 (1) Enable measurement of pupil achievement and pupil growth.

24 (2) Be of high technical quality by being valid, reliable, fair,
25 and aligned to standards.

26 (3) Incorporate technology where appropriate.

27 (4) Include the assessment of pupils with disabilities and English
28 learners.

29 (5) Use, to the extent feasible, universal design principles, as
30 defined in Section 3 of the federal Assistive Technology Act of
31 1998 (29 U.S.C. Sec. 3002) in its development and administration.

32 (k) “Interim assessment” means an assessment that is given at
33 regular and specified intervals throughout the school year, is
34 designed to evaluate a pupil’s knowledge and skills relative to a
35 specific set of academic standards, and produces results that can
36 be aggregated by course, grade level, school, or local educational
37 agency in order to inform teachers and administrators at the pupil,
38 classroom, school, and local educational agency levels.

39 (i)

(l) “Performance standards” are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

~~(j)~~

(m) “Publisher” means a commercial publisher or any other public or private entity, other than the department, which is able to provide tests or test items that meet the requirements of this chapter.

~~(k)~~

(n) “Statewide pupil assessment program” means the systematic achievement testing of pupils in grades—2 3 to 11, inclusive, pursuant to the standardized testing and reporting program under Article 4 (commencing with Section 60640) and the assessment of basic academic skills and applied academic skills, administered to pupils in grade levels specified in subdivision (c) of Section 60605, required by this chapter in all schools within each school district by means of tests designated by the state board.

SEC. 11. Section 60604 of the Education Code is amended to read:

60604. (a) The Superintendent shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment program consistent with the testing requirements of this article in accordance with the objectives set forth in Section 60602. That program shall include all of the following:

(1) A plan for producing valid, reliable, and comparable individual pupil scores in grades—2 3 to 11, inclusive, and a comprehensive analysis of these scores based on the results of the achievement test designated by the state board that assesses a broad range of basic academic skills pursuant to the Standardized Testing and Reporting (STAR) Program established by Article 4 (commencing with Section 60640).

(2) A method of working with publishers to ensure valid, reliable, and comparable individual, grade-level, school-level, district-level, county-level, and statewide scores in grades—2 3 to 11, inclusive.

1 (3) Statewide academically rigorous content and performance
2 standards that reflect the knowledge and skills that pupils will need
3 in order to succeed in the information-based, global economy of
4 the 21st century. These skills shall not include personal behavioral
5 standards or skills, including, but not limited to, honesty,
6 sociability, ethics, or self-esteem.

7 (4) A statewide system that provides the results of testing in a
8 manner that reflects the degree to which pupils are achieving the
9 academically rigorous content and performance standards adopted
10 by the state board.

11 (5) The alignment of assessment with the statewide academically
12 rigorous content and performance standards adopted by the state
13 board.

14 (6) The active, ongoing involvement of parents, classroom
15 teachers, administrators, other educators, governing board members
16 of school districts, and the public in all phases of the design and
17 implementation of the statewide pupil assessment program.

18 (7) The development of a contract or contracts with a publisher
19 or publishers, after the approval of statewide academically rigorous
20 content standards by the state board, for the development of
21 performance standards and assessments of applied academic skills
22 designed to test pupils' knowledge of academic skills and abilities
23 to apply that knowledge and those skills in order to solve problems
24 and communicate.

25 (b) The Superintendent shall develop and annually update for
26 the Legislature a five-year cost projection, implementation plan,
27 and timetable for implementing the program described in
28 subdivision (a). The annual update shall be submitted on or before
29 March 1 of each year to the chairperson of the fiscal subcommittee
30 considering budget appropriations in each house. The update shall
31 explain any significant variations from the five-year cost projection
32 for the current year budget and the proposed budget.

33 (c) The Superintendent shall provide each school district with
34 guidelines for professional development that are designed to assist
35 classroom teachers to use the results of the assessments
36 administered pursuant to this chapter to modify instruction for the
37 purpose of improving pupil learning. These guidelines shall be
38 developed in consultation with classroom teachers and approved
39 by the state board before dissemination.

(d) The Superintendent and the state board shall consider comments and recommendations from school districts and the public in the development, adoption, and approval of assessment instruments.

(e) The results of the achievement test administered pursuant to Article 4 (commencing with Section 60640) shall be returned to the school district within the period of time specified by the state board.

SEC. 12. Section 60604.5 of the Education Code is amended to read:

60604.5. (a) It is the intent of the Legislature that the reauthorization of the statewide pupil assessment program ~~includes~~ *include* all of the following:

~~(a)~~

~~(1) A plan for transitioning to a system of high-quality assessments, as defined in the federal Race to the Top guidance and regulations.~~

~~(b)~~

(2) Alignment with the standards developed pursuant to subdivision (d) of Section 60605.8.

~~(c)~~

(3) Any common assessments aligned with the standards developed pursuant to subdivision (d) of Section 60605.8.

~~(d)~~

~~(4) Conforms—Conformity~~ to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act or any other federal law that effectively replaces that act.

(b) The Superintendent shall develop recommendations for the reauthorization of the statewide pupil assessment program. The recommendations shall include, but not be limited to, a plan for transitioning to a system of high-quality assessments. The recommendations shall consider including all of the following in the reauthorized assessment system:

(1) Aligning the assessments to the standards adopted or revised pursuant to Section 60605.8.

(2) Implementing and incorporating any common assessments aligned with the common set of standards developed by the Common Core State Standards Initiative consortium or other interstate collaboration in which the state participates.

1 (3) *Conforming to the assessment requirements of any*
2 *reauthorization of the federal Elementary and Secondary Education*
3 *Act (20 U.S.C. Sec. 6301 et seq.) or any other federal law that*
4 *effectively replaces that act.*

5 (4) *Enabling the valid, reliable, and fair measurement of*
6 *achievement at a point in time and over time for groups and*
7 *subgroups of pupils, and for individual pupils.*

8 (5) *Allowing the comparison from one year to the next of an*
9 *individual pupil's scale scores in each content area tested, so as*
10 *to reflect the growth in that pupil's actual scores over time.*

11 (6) *Enabling and including the valid, reliable, and fair*
12 *measurement of achievement of all pupils, including pupils with*
13 *disabilities and English learners.*

14 (7) *Ensuring that no aspect of the system creates any bias with*
15 *respect to race, ethnicity, culture, religion, gender, or sexual*
16 *orientation.*

17 (8) *Incorporating a variety of item types and formats, including,*
18 *but not limited to, open-ended responses and performance-based*
19 *tasks.*

20 (9) *Generating multiple measures of pupil achievement, which,*
21 *when combined with other measures, can be used to determine the*
22 *effectiveness of instruction and the extent of learning.*

23 (10) *Including the assessment of science and history/social*
24 *science in all grade levels at or above grade 4.*

25 (11) *Assessing a pupil's understanding of and ability to use the*
26 *technology necessary for success in the 21st century classroom*
27 *and workplace.*

28 (12) *Providing for both formative and interim assessments, as*
29 *those terms are defined in this chapter, in order to provide timely*
30 *feedback for the purposes of continually adjusting instruction to*
31 *improve learning.*

32 (13) *Making use of test administration and scoring technologies*
33 *that will allow the return of test results to parents and teachers as*
34 *soon as is possible in order to support instructional improvement.*

35 (14) *Minimizing testing time while not jeopardizing the validity,*
36 *reliability, fairness, or instructional usefulness of the assessment*
37 *results.*

38 (c) *In developing the recommendations pursuant to this section,*
39 *the Superintendent shall consult with all of the following:*

40 (1) *The state board.*

1 (2) *The committee advising the Superintendent on the Academic*
2 *Performance Index pursuant to subdivision (a) of Section 52052.5.*

3 (3) *Measurement experts from California's public and private*
4 *universities.*

5 (4) *Individuals with expertise in assessing pupils with disabilities*
6 *and English learners.*

7 (5) *Teachers, administrators, and governing board members,*
8 *from California's local educational agencies.*

9 (6) *Parents.*

10 (d) *The Superintendent shall report the recommendations*
11 *developed pursuant to this section to the fiscal and appropriate*
12 *policy committees of both houses of the Legislature on or before*
13 *November 1, 2012.*

14 *SEC. 13. Section 60605.6 of the Education Code is amended*
15 *to read:*

16 60605.6. Subject to the availability of funds appropriated in
17 the annual Budget Act for this purpose, the Superintendent, upon
18 approval of the state board, shall contract for the development and
19 distribution of workbooks, as follows:

20 (a) One workbook to be distributed to all pupils in grade 10.
21 This workbook shall contain information on the proficiency levels
22 that must be demonstrated by pupils on the high school exit
23 examination described in Chapter 9 (commencing with Section
24 60850). The workbook also shall contain sample questions, with
25 explanations describing how these sample questions test pupil
26 knowledge of the language arts and mathematics content standards
27 adopted by the state board pursuant to Section 60605.

28 (b) Separate workbooks for each of grades 2 3 to 11, inclusive.
29 Each pupil in grades 2 3 to 11, inclusive, who is required to take
30 the achievement tests described in Section 60642.5 shall receive
31 a copy of the workbook designed for the same grade level in which
32 the pupil is enrolled. These workbooks shall contain material to
33 assist pupils and their parents with standards-based learning,
34 including the grade appropriate academic content standards adopted
35 by the state board pursuant to Section 60605 and sample questions
36 that require knowledge of these standards to answer. The
37 workbooks also shall describe how the sample questions test
38 knowledge of the state board adopted academic content standards.

39 *SEC. 14. Section 60640 of the Education Code is amended to*
40 *read:*

1 60640. (a) There is hereby established the Standardized Testing
2 and Reporting Program, to be known as the STAR Program.

3 (b) From the funds available for that purpose, each school
4 district, charter school, and county office of education shall
5 administer to each of its pupils in grades-2 3 to 11, inclusive, the
6 standards-based achievement test provided for in Section 60642.5.
7 The state board shall establish a testing period to provide that all
8 schools administer these tests to pupils at approximately the same
9 time during the instructional year, except as necessary to ensure
10 test security and to meet the final filing date.

11 (c) The publisher and the school district shall provide two
12 makeup days for the testing of previously absent pupils within the
13 testing period established by the state board in subdivision (b).

14 (d) The governing board of the school district may administer
15 achievement tests in grades other than those required by
16 subdivision (b) as it deems appropriate.

17 (e) Pursuant to Section 1412(a)(17) of Title 20 of the United
18 States Code, individuals with exceptional needs, as defined in
19 Section 56026, shall be included in the testing requirement of
20 subdivision (b) with appropriate accommodations in administration,
21 where necessary, and those individuals with exceptional needs
22 who are unable to participate in the testing, even with
23 accommodations, shall be given an alternate assessment.

24 (f) (1) At the option of the school district, pupils with limited
25 English proficiency who are enrolled in any of grades-2 3 to 11,
26 inclusive, may take a second achievement test in their primary
27 language. Primary language tests administered pursuant to this
28 subdivision and subdivision (g) shall be subject to the requirements
29 of subdivision (a) of Section 60641. These primary language tests
30 shall produce individual pupil scores that are valid and reliable.

31 (2) Notwithstanding any other law, the state board shall
32 designate for use, as part of this program, a single primary language
33 test in each language for which a test is available for grades-2 3 to
34 11, inclusive, pursuant to the process used for designation of the
35 assessment chosen in the 1997-98 fiscal year, as specified in
36 Section 60643, as applicable.

37 (3) (A) The department shall use funds made available pursuant
38 to Title VI of the federal No Child Left Behind Act of 2001 (20
39 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget
40 Act for the purpose of developing and adopting primary language

1 assessments that are aligned to the state academic content
2 standards. Subject to the availability of funds, primary language
3 assessments shall be developed and adopted for reading/language
4 arts and mathematics in the dominant primary language of
5 limited-English-proficient pupils. The dominant primary language
6 shall be determined by the count in the annual language census of
7 the primary language of each limited-English-proficient pupil
8 enrolled in the California public schools.

9 (B) Once a dominant primary language assessment is available
10 for use for a specific grade level, it shall be administered in place
11 of the assessment designated pursuant to paragraph (1) for that
12 grade level.

13 (C) In choosing a contractor to develop a primary language
14 assessment the state board shall consider the criteria for choosing
15 a contractor or test publisher as specified by Section 60643, and
16 as specified by Section 60642.5, as applicable.

17 (D) Subject to the availability of funds, the assessments shall
18 be developed in grade order starting with the lowest grade subject
19 to the STAR Program.

20 (E) If the state board contracts for the development of primary
21 language assessments or test items to augment an existing
22 assessment, the state shall retain ownership rights to the assessment
23 and the test items. With the approval of the state board, the
24 department may license the test for use in other states subject to a
25 compensation agreement approved by the Department of Finance.

26 (F) On or before January 1, 2006, the department shall submit
27 to the Legislature a report on the development and implementation
28 of the initial primary language assessments and recommendations
29 on the development and implementation of future assessments and
30 funding requirements.

31 (g) A pupil identified as limited English proficient pursuant to
32 the administration of a test made available pursuant to Section
33 60810 who is enrolled in any of grades 2 3 to 11, inclusive, and
34 who either receives instruction in his or her primary language or
35 has been enrolled in a school in the United States for less than 12
36 months shall be required to take a test in his or her primary
37 language if a test is available.

38 (h) (1) The Superintendent shall apportion funds to school
39 districts to enable school districts to meet the requirements of
40 subdivisions (b), (e), (f), and (g).

1 (2) The state board annually shall establish the amount of
2 funding to be apportioned to school districts for each test
3 administered and annually shall establish the amount that each
4 publisher shall be paid for each test administered under the
5 agreements required pursuant to Section 60643. The amounts to
6 be paid to the publishers shall be determined by considering the
7 cost estimates submitted by each publisher each September and
8 the amount included in the annual Budget Act, and by making
9 allowance for the estimated costs to school districts for compliance
10 with the requirements of subdivisions (b), (e), (f), and (g).

11 (3) An adjustment to the amount of funding to be apportioned
12 per test shall not be valid without the approval of the Director of
13 Finance. A request for approval of an adjustment to the amount
14 of funding to be apportioned per test shall be submitted in writing
15 to the Director of Finance and the chairpersons of the fiscal
16 committees of both houses of the Legislature with accompanying
17 material justifying the proposed adjustment. The Director of
18 Finance is authorized to approve only those adjustments related
19 to activities required by statute. The Director of Finance shall
20 approve or disapprove the amount within 30 days of receipt of the
21 request and shall notify the chairpersons of the fiscal committees
22 of both houses of the Legislature of the decision.

23 (i) For purposes of making the computations required by Section
24 8 of Article XVI of the California Constitution, the appropriation
25 for the apportionments made pursuant to paragraph (1) of
26 subdivision (h), and the payments made to the publishers under
27 the contracts required pursuant to Section 60643 or subparagraph
28 (C) of paragraph (1) of subdivision (a) of Section 60605 between
29 the department and the contractor, are "General Fund revenues
30 appropriated for school districts," as defined in subdivision (c) of
31 Section 41202, for the applicable fiscal year, and included within
32 the "total allocations to school districts and community college
33 districts from General Fund proceeds of taxes appropriated pursuant
34 to Article XIII B," as defined in subdivision (e) of Section 41202,
35 for that fiscal year.

36 (j) As a condition to receiving an apportionment pursuant to
37 subdivision (h), a school district shall report to the Superintendent
38 all of the following:

39 (1) The number of pupils enrolled in the school district in grades
40 2 3 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the California Standards Tests, including, but not limited to, the augmented California Standards Tests, for academic credit, placement, or admissions processes.

(l) The Superintendent, with the approval of the state board, annually shall release to the public test items from the standards-based achievement tests pursuant to Section 60642.5 administered in previous years. The minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

~~SEC. 9.~~

SEC. 15. Section 60640.1 is added to the Education Code, to read:

60640.1. Subject to approval by the state board, the department may make a primary language assessment developed pursuant to subparagraph (A) of paragraph (3) of subdivision (f) of Section 60640 available to school districts to assess their nonlimited-English-proficient pupils, as defined in Section 60643, who are enrolled in a dual language immersion program that includes the primary language of the assessment, and their redesignated fluent-English-proficient pupils. A school district that chooses to administer a primary language assessment pursuant to this subdivision shall do so at its own expense and shall enter into an agreement for that purpose with the state testing contractor, as described in subparagraph (C) of paragraph (3) of subdivision (f) of Section 60640, subject to the approval of the department. The cost for the assessment shall be the same for all school districts and shall not exceed the marginal cost of the assessment.

SEC. 16. Section 60642.5 of the Education Code is amended to read:

60642.5. (a) The Superintendent, with approval of the state board, shall provide for the development of an assessment instrument, ~~to be called the California Standards Tests, under the Standardized Testing and Reporting Program~~ that measures the degree to which pupils are achieving the academically rigorous

1 content standards and performance standards, to the extent
2 standards have been adopted by the state board. These
3 standards-based achievement tests shall contain *assessments of*
4 *the following* subject areas *in the grades specified in paragraph*
5 *(3) of subdivision (a) of Section 60603 for grades 2 to 8, inclusive,*
6 *and shall include an assessment in history/social science in at least*
7 *one elementary or middle school grade level selected by the state*
8 *board and science in at least one elementary or middle school grade*
9 *level selected by the state board, and the core curriculum areas*
10 *specified in paragraph (5) of subdivision (a) of Section 60603 for*
11 *grades 9 to 11, inclusive, except that history-social science shall*
12 *not be included in the grade 9 assessment unless the state board*
13 *adopts academic content standards for a grade 9 history-social*
14 *science course, and shall include, at a minimum, a direct writing*
15 *assessment once in elementary school and once in middle or junior*
16 *high school and other items of applied academic skill if deemed*
17 *valid and reliable and if resources are made available for their use.:*

18 (1) *English/reading language arts and mathematics in grades*
19 *3 to 8, inclusive, and in grade 11.*

20 (2) *English language arts in the California Alternate*
21 *Performance Assessment in grade 10.*

22 (3) *Science in grades 5 and 8, and life science in grade 10.*

23 (4) *History-social science in grade 8.*

24 (5) *End of course assessments for the following courses:*

25 (A) *U.S. history.*

26 (B) *World history.*

27 (C) *Algebra I.*

28 (D) *Geometry.*

29 (E) *Algebra II.*

30 (F) *Earth science.*

31 (G) *Biology.*

32 (H) *Chemistry.*

33 (I) *Physics.*

34 (J) *Algebra I in the Standards Test in Spanish.*

35 (K) *Geometry in the Standards Test in Spanish.*

36 (b) *This section, as amended during the 2011–12 Regular*
37 *Session, does not require the department to develop or administer*
38 *new assessments.*

39 ~~(b)~~

1 (c) In approving a contract for the development or
2 administration of the California Standards Tests, the state board
3 shall consider each of the following:

4 (1) The ability of the contractor to produce valid, reliable
5 individual pupil scores.

6 (2) The ability of the contractor to report results pursuant to
7 subdivision (a) of Section 60643 by August 8.

8 (3) The ability of the contractor to ensure alignment between
9 the standards-based achievement test and the academically rigorous
10 content and performance standards as those standards are adopted
11 by the state board. This criterion shall include the ability of the
12 contractor to implement a process to establish and maintain
13 alignment between the test items and the standards.

14 (4) The per pupil cost estimates of developing and, if
15 appropriate, administering the proposed assessment with a system
16 to facilitate the determination of future per pupil cost
17 determinations.

18 (5) The procedures of the contractor to ensure the security and
19 integrity of test questions and materials.

20 (6) The experience of the contractor in successfully conducting
21 testing programs adopted and administered by other states. For
22 experience to be considered, the number of grades and pupils tested
23 shall be provided.

24 ~~(e)–~~

25 (d) The standards-based achievement tests may use items from
26 other tests.

27 *SEC. 17. Section 60643 of the Education Code is amended to*
28 *read:*

29 60643. (a) To be eligible for consideration under Section
30 60642.5 by the state board, test publishers shall agree in writing
31 each year to meet the following requirements, as applicable, if
32 selected:

33 (1) Enter into an agreement, pursuant to subdivision (e) or (f),
34 with the department by October 15 of that year.

35 (2) Align the standards-based achievement test provided for in
36 Section 60642.5 to the academically rigorous content and
37 performance standards adopted by the state board.

38 (3) Comply with subdivisions (c) and (d) of Section 60645.

39 (4) Provide valid and reliable individual pupil scores to parents
40 or guardians, teachers, and school administrators.

1 (5) Provide valid and reliable aggregate scores to school districts
2 and county boards of education in all of the following forms and
3 formats:

4 (A) Grade level.

5 (B) School level.

6 (C) District level.

7 (D) Countywide.

8 (E) Statewide.

9 (F) Comparison of statewide scores relative to other states.

10 (6) Provide disaggregated scores, based on
11 limited-English-proficient status and nonlimited-English-proficient
12 status. For purposes of this section, pupils with
13 “nonlimited-English-proficient status” shall include the total of
14 those pupils who are English-only pupils, fluent-English-proficient
15 pupils, and redesignated fluent-English-proficient pupils. These
16 scores shall be provided to school districts and county boards of
17 education in the same forms and formats listed in paragraph (5).

18 (7) Provide disaggregated scores by pupil gender and ethnicity
19 and provide disaggregated scores based on whether pupils are
20 economically disadvantaged or not. These disaggregated scores
21 shall be in the same forms and formats as listed in paragraph (5).
22 In any one year, the disaggregation shall entail information already
23 being collected by school districts, county offices of education, or
24 charter schools.

25 (8) Provide disaggregated scores for pupils who have
26 individualized education programs and have enrolled in special
27 education, to the extent required by federal law. These scores shall
28 be provided in the same forms and formats listed in paragraph (5).
29 This section shall not be construed to exclude the scores of special
30 education pupils from any state or federal accountability system.

31 (9) Provide information listed in paragraphs (5), (6), (7), and
32 (8) to the department and the state board in the medium requested
33 by each entity, respectively.

34 (b) It is the intent of the Legislature that the publisher work with
35 the Superintendent and the state board in developing a methodology
36 to disaggregate statewide scores as required in paragraphs (6) and
37 (7) of subdivision (a), and in determining which variable indicated
38 on the STAR testing document shall serve as a proxy for
39 “economically disadvantaged” status pursuant to paragraph (7) of
40 subdivision (a).

(c) Access to information about individual pupils or their families shall be granted to the publisher only for purposes of correctly associating test results with the pupils who produced those results or for reporting and disaggregating test results as required by this section. School districts are prohibited from excluding a pupil from the test if a parent or parents decline to disclose income. This chapter does not abridge or deny rights to confidentiality contained in the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable state and federal law that protect the confidentiality of information collected by educational institutions.

(d) Notwithstanding any other law, the publisher of the standards-based achievement test provided for in Section 60642.5 or any contractor under subdivision (f) shall comply with all of the conditions and requirements enumerated in subdivision (a), as applicable, to the satisfaction of the state board.

(e) (1) A publisher shall not provide a test described in Section 60642.5 or 60650 or in subdivision (f) of Section 60640 for use in California public schools, unless the publisher enters into a written contract with the department as set forth in this subdivision.

(2) The department shall develop, and the state board shall approve, a contract to be entered into with a publisher pursuant to paragraph (1). The department may develop the contract through negotiations with the publisher.

(3) For purposes of the contracts authorized pursuant to this subdivision, the department is exempt from the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(4) The contracts shall include provisions for progress payments to the publisher for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that publisher. The total amount withheld pending final completion shall not exceed 10 percent of the total contract price.

(5) The contracts shall require liquidated damages to be paid by the publisher in the amount of up to 10 percent of the total cost

1 of the contract for any component task that the publisher through
2 its own fault or that of its subcontractors fails to substantially
3 perform by the date specified in the agreement.

4 (6) The contracts shall establish the process and criteria by
5 which the successful completion of each component task shall be
6 recommended by the department and approved by the state board.

7 (7) The publishers shall submit, as part of the contract
8 negotiation process, a proposed budget and invoice schedule, that
9 includes a detailed listing of the costs for each component task
10 and the expected date of the invoice for each completed component
11 task.

12 (8) The contracts shall specify the following component tasks,
13 as applicable, that are separate and distinct:

14 (A) Development of new tests or test items as required by
15 paragraph (2) of subdivision (a).

16 (B) Test materials production or publication.

17 (C) Delivery of test materials to school districts.

18 (D) Test processing, scoring, and analyses.

19 (E) Reporting of test results to the school districts, including,
20 but not limited to, all reports specified in this section.

21 (F) Reporting of test results to the department, including, but
22 not limited to, the electronic files required pursuant to this section.

23 (G) All other analyses or reports required by the Superintendent
24 to meet the requirements of state and federal law and set forth in
25 the agreement.

26 (9) The contracts shall specify the specific reports and data files,
27 if any, that are to be provided to school districts by the publisher
28 and the number of copies of each report or file to be provided.

29 (10) The contracts shall specify the means by which any delivery
30 date for materials to each school district shall be verified by the
31 publisher and the school district.

32 (11) School districts may negotiate a separate agreement with
33 the publisher for any additional materials or services not within
34 the contracts specified in this subdivision, including, but not limited
35 to, the administration of the tests to pupils in grade levels other
36 than grades 2 to 11, inclusive. Any separate agreement is not
37 within the scope of the contract specified in this subdivision.

38 (f) The department, with approval of the state board, may enter
39 into a separate contract for the development or administration of
40 a test authorized pursuant to this part, including, but not limited

1 to, item development, coordination of tests, assemblage of tests
2 or test items, scoring, or reporting. The liquidated damages
3 provision set forth in paragraph (5) of subdivision (e) shall apply
4 to a contract entered into pursuant to this subdivision.

5 *SEC. 18. Section 60643.1 of the Education Code is repealed.*

6 ~~60643.1. (a) (1) The test publisher designated by the state~~
7 ~~board pursuant to Section 60642 shall make available a reading~~
8 ~~list on the Internet by June 1 of the applicable school year. The~~
9 ~~reading list shall include an index that correlates ranges of pupil~~
10 ~~reading scores on the English language arts portion of the~~
11 ~~achievement test designated pursuant to Section 60642 to titles of~~
12 ~~materials that would be suitable for pupils in each of grades 2 to~~
13 ~~11, inclusive, to read in order to improve their reading skills. This~~
14 ~~reading list shall include titles of books that allow a pupil to~~
15 ~~practice reading at his or her current reading level and that will~~
16 ~~assist the pupil in achieving a higher level of proficiency. To the~~
17 ~~extent possible, the index also shall include information related to~~
18 ~~the subject matter of each title. At a minimum, the reading list also~~
19 ~~shall categorize titles by subject matter and identify age-appropriate~~
20 ~~distinctions in the list.~~

21 ~~(2) The test publisher, in each school year, shall make available~~
22 ~~for purchase by school districts a report that provides a numerical~~
23 ~~distribution of the reading scores of all pupils in California who~~
24 ~~took the achievement test designated pursuant to Section 60642.~~

25 ~~(3) The test publisher, in each school year, shall make available~~
26 ~~for purchase by school districts reading lists that can be distributed~~
27 ~~to pupils based on a pupil's age and the ranges of scores on the~~
28 ~~English language arts portion of the achievement test designated~~
29 ~~pursuant to Section 60642.~~

30 ~~(4) The requirements of this subdivision shall become operative~~
31 ~~only upon a determination by the Director of Finance that funds~~
32 ~~are available to make an adjustment pursuant to subdivision (h)~~
33 ~~of Section 60640.~~

34 ~~(b) The state board and the Superintendent jointly shall certify~~
35 ~~that the process used by the publisher to determine the reading~~
36 ~~levels of the corresponding reading list pursuant to paragraph (1)~~
37 ~~of subdivision (a) meets the following criteria:~~

38 ~~(1) The process is educationally valid.~~

SEC. 19. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Text—Page: 12, 13, and 28.